



Crl.O.P.(MD)No.15341 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.15341 of 2025

and

Crl.M.P.(MD) No. 12466 of 2025

Askar Ali

... Petitioner

Vs.

The State rep. by Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram, Tamil Nadu – 641 045.
(In Crime No.203 of 2022)

...Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records in Crime No.203 of 2022 on the file of the Respondent police and quash the same as against the Petitioner.

For Petitioner : Mr.A.Rajamohamed

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

The petitioner has sought for quashing of the FIR in Crime No.203 of 2022 on the file of the respondent, which was registered for the alleged offence under Sections 143, 341, 290, 291 and 353 I.P.C.



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2. The allegation against the petitioner is that he was a Member of an Organization and the petitioner and others conducted protest and obstructed the traffic.

3. The learned counsel for the petitioner would submit that though the F.I.R, was registered in 2022, no investigation has been conducted so far and that in any case, the allegations would not attract the offences alleged and hence, sought for quashing of the impugned F.I.R.

4. The learned Additional Public Prosecutor, on instructions, would submit that investigation has now been concluded and the final report would be filed in the near future.

5. The allegation, as stated earlier, is that the petitioner along with others had participated in a protest and thereby obstructed traffic. There is no allegation in the said F.I.R to attract the offence under Section 353 IPC. In order to attract Section 353 IPC, there must be an allegation that the petitioner assaulted or abused or used criminal force to any person, being a public servant, with an intent to prevent that person from discharging his duty. The essential ingredients of assault and use of criminal force are absent in the allegations. As



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regards the offences under Sections 143, 341 I.P.C are concerned, this Court, in similar circumstances in the case of Jeevanandham and others vs. State rep. by Inspector of Police, Velayuthampalayam Police Station, Karur District and another, dated 20.09.2018, rendered in Crl.O.P.(MD) No.1356 of 2018, etc., batch, held as follows:-

Crl.O.P.(MD) Nos. 12684, 15710 and 15709 of 2018

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42. *In all the cases, the assembly of persons were expressing dissatisfaction on the governance and claiming for minimum rights that are guaranteed to an ordinary citizen. If such an assembly of persons are to be trifled by registering an FIR under Section 143 of IPC and filing a Final Report for the very same offence, no democratic dissent can ever be shown by the citizens and such prohibition will amount to violation of fundamental rights guaranteed under the Constitution. A reading of the Final Report also does not make out an offence under Section 341 of Cr.P.C. since any form of an agitation, will necessarily cause some hindrance to the movement of the general public for sometime. That by itself, does not constitute an offence of a wrongful restraint.*

5. The above observations squarely apply to the facts of the present case.



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6. The offences under Sections 290 and 291 IPC are also not made out, as the allegations do not suggest the commission of the said offences. In any case, those two offences are trivial in nature and since even after three years, no action has been taken, no useful purpose would be served in keeping the F.I.R pending.

7. Accordingly, the impugned F.I.R in Crime No.203 of 2022 is hereby quashed and this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.

16.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
LS

To

1.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram, Tamil Nadu – 641 045..

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SUNDER MOHAN, J.

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